

109TH CONGRESS
2D SESSION

H. R. 5304

AN ACT

To amend title 18, United States Code, to provide a penalty
for caller ID spoofing, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Preventing Harass-
3 ment through Outbound Number Enforcement Act”.

4 **SEC. 2. CALLER ID SPOOFING.**

5 (a) IN GENERAL.—Chapter 47 of title 18, United
6 States Code, is amended by adding at the end the fol-
7 lowing:

8 **“§ 1039. Caller ID spoofing**

9 “(a) IN GENERAL.—Whoever knowingly modifies
10 caller ID information with the intent to defraud or harass
11 another person, or to use another person’s caller ID infor-
12 mation without consent, shall be fined under this title, im-
13 prisoned for not more than five years, or both.

14 “(b) ATTEMPT; CONSPIRACY.—Whoever attempts or
15 conspires to commit an offense under subsection (a) of
16 this section shall be punished as provided in subsection
17 (a) of this section.

18 “(c) EXCEPTIONS.—This section does not prohibit
19 the following:

20 “(1) Any blocking of caller ID information.

21 “(2) Any lawfully authorized investigative, pro-
22 tective, or intelligence activity of a law enforcement
23 agency of the United States, a State, or a political
24 subdivision of a State, or of an intelligence agency
25 of the United States, or any activity authorized
26 under chapter 224 of this title.

1 “(d) DEFINITIONS.—(1) In this section:

2 “(A) The term ‘caller ID information’
3 means information transmitted—

4 “(i) by a service or device;

5 “(ii) to the recipient of a telephone
6 call; and

7 “(iii) regarding the telephone number
8 of, or other information regarding the
9 origination of, the telephone call.

10 “(B) The term ‘telephone call’ means a
11 call made using a telecommunications service or
12 VOIP service.

13 “(C) The term ‘VOIP service’ means a
14 service that—

15 “(i) provides real-time 2-way voice
16 communications transmitted through cus-
17 tomer premises equipment using Trans-
18 mission Control Protocol/Internet Protocol,
19 or a successor protocol (including when the
20 voice communication is converted to or
21 from Transmission Control Protocol/Inter-
22 net Protocol by the VOIP service provider
23 and transmitted to the subscriber without
24 use of circuit switching), for a fee;

1 “(ii) is offered to the public, or such
2 classes of users as to be effectively avail-
3 able to the public (whether part of a bun-
4 dle of services or separately); and

5 “(iii) has the capability to originate
6 traffic to, and terminate traffic from, the
7 public switched telephone network.

8 “(D) The term ‘State’ includes a State of
9 the United States, the District of Columbia,
10 and any commonwealth, territory, or possession
11 of the United States.

12 “(2) A term used in a definition in paragraph (1)
13 has the meaning given such term in section 3 of the Com-
14 munications Act of 1934 (47 U.S.C. 153).”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 at the beginning of chapter 47 of title 18, United States
17 Code, is amended by adding at the end the following new
18 item:

“1039. Caller ID spoofing.”.

Passed the House of Representatives December 9
(legislative day, December 8), 2006.

Attest:

Clerk.

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